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17  
18 **UNITED STATES DISTRICT COURT**  
19 **DISTRICT OF NEVADA**

20 JESSICA DEMESA, as an individual and on  
behalf of all others similarly situated, ,

21 Plaintiff,

22 v.

23 TREASURE ISLAND LLC, ,

24 Defendant.  
25  
26  
27  
28

Case No. 2:18-cv-02007-JAD-CWH

**STIPULATION AND ORDER TO STAY  
DISCOVERY UNTIL CASE IS AT ISSUE**

(Second Request)

1 Plaintiff Jessica Demesa and Defendant Treasure Island, LLC, by and through their  
2 respective counsel, hereby stipulate and agree as follows:

3 1. Plaintiff filed this action on October 17, 2018 (ECF No. 1). Service of the  
4 Complaint and Summons was made on Defendant through its general counsel on November 2,  
5 2018 (ECF No. 5).

6 2. Defendant filed its Motion to Dismiss Complaint, or in the Alternative, for a Stay  
7 on December 10, 2018 (ECF No. 16), to which Plaintiff's response was due on December 24,  
8 2018, just before the long holiday season. Defendant also filed its Motion to Stay Discovery  
9 Pending Resolution of Defendant's Motion to Dismiss on December 10, 2018 (ECF No. 17), to  
10 which Plaintiff's response was due on December 24, 2018, again, just before the long holiday  
11 season. In light of the foregoing, the parties filed a stipulation and order extending Plaintiff's  
12 deadline to file her response to both motions up to and including January 18, 2019, and  
13 Defendant's time to file its replies in support thereof up to and including February 11, 2019, which  
14 the Court entered (ECF No. 25).

15 3. The parties further met and conferred and, based upon the stipulation to extend  
16 briefing deadlines regarding Defendant's pending motions, agreed that the time to conduct an  
17 F.R.C.P. 26(f) conference should be extended for a period of sixty (60) days following the filing  
18 of Defendant's reply briefing in support of its pending motions. The parties further agreed that  
19 fourteen (14) days following the F.R.C.P. 26(f) conference, the parties shall submit the proposed  
20 discovery and scheduling plan. Court subsequently entered the parties stipulation on this matter  
21 (ECF No. 23).

22 4. Plaintiff has informed Defendant that Plaintiff intends to file an Amended  
23 Complaint on Friday, January 18, 2019, in response to the Motion to Dismiss, or in the  
24 Alternative, for a Stay. Plaintiff has also informed Defendant that Plaintiff is willing to stipulate  
25 that discovery be stayed until the case is at issue. The parties agree that the foregoing moots both  
26 pending motions. The parties further anticipate that Defendant will be filing a renewed Motion to  
27 Dismiss, or in the Alternative, for a Stay, in response to the Amended Complaint. It is anticipated  
28

1 that this briefing will raise complex procedural and substantive issues as well as a constitutional  
2 question.

3 5. Counsel for the parties have agreed to the following schedule for Defendant's  
4 response to the Amended Complaint:

- 5 • February 25, 2019: Defendant's response to Amended Complaint due;
- 6 • March 18, 2019: Plaintiffs opposition brief due, in the event Defendant files a  
7 renewed motion to dismiss and/or stay; and
- 8 • April 1, 2019: Defendant's reply brief due.

9 The parties have concurrently filed a separate stipulation with the District Judge to enter this  
10 schedule.

11 6. In light of the foregoing, and for purposes of efficiency, the parties agree, subject to  
12 Court approval, that discovery shall be stayed until this case is at issue (*i.e.*, if and when  
13 Defendant files its answer). The parties further agree that: (1) the time to conduct an F.R.C.P.  
14 26(f) conference shall be extended for a period of sixty (60) days following the filing of  
15 Defendant's answer; and that (2) fourteen (14) days following the F.R.C.P. 26(f) conference, the  
16 parties shall submit the proposed discovery and scheduling plan.

17 7. The discovery stay and extension to conduct the F.R.C.P. 26(f) conference and  
18 submit the discovery and scheduling plan requested herein is being made to preserve resources  
19 given that Defendant's motions are potentially case dispositive.

8. This is the second stipulation for such an extension of time and is made in good faith and not for purposes of delay.

DATED this 17th day of January, 2019.

THE O'MARA LAW FIRM, P.C.

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**ORDER GRANTING STIPULATION TO EXTEND TIME TO CONDUCT F.R.C.P. 26(f)  
CONFERENCE AND TO SUBMIT THE PROPOSED DISCOVERY AND SCHEDULING  
PLAN**

**IT IS SO ORDERED.**

DATED: January <sup>23</sup>\_\_\_\_, 2019

  
UNITED STATES MAGISTRATE JUDGE